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Brandon Vang

12 **UNITED STATES DISTRICT COURT**
13 **EASTERN DISTRICT OF CALIFORNIA**
14 **FRESNO DIVISION**

15 CALIFORNIA SMOKE SHOPS
16 ASSOCIATION, a California nonprofit
mutual benefit corporation,

17 Plaintiff,

18 v.

19 CITY OF FRESNO, a California public
20 entity; MIGUEL ARIAS, in his official
21 capacity; NELSON ESPARZA, in his official
22 capacity; ANNALISA PEREA, in her official
capacity; and BRANDON VANG, in his
official capacity,

23 Defendants.

Case No. 1:25-cv-00590-KES-HBK

Judge: Honorable Kirk E. Sherriff
Courtroom 6, 7th Floor

**STIPULATION OF THE PARTIES TO
EXTEND TIME FOR DEFENDANTS TO
RESPOND TO COMPLAINT (L.R. 144)
AND FOR COURT TO RESCHEDULE
HEARING ON PLAINTIFF'S MOTION
FOR PRELIMINARY INJUNCTION**

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26 COME NOW, Plaintiff, CALIFORNIA SMOKE SHOPS ASSOCIATION, a California
27 nonprofit mutual benefit corporation, and Defendants, the CITY OF FRESNO and the Fresno City
28 Councilmembers named individually in this lawsuit (collectively, "Defendants"), by and through

1 their attorneys of record with their stipulation per Local Rule 144, to extend time for Defendants to
2 respond to Plaintiff's Complaint in this action, and state the following:

3 Whereas, Plaintiff filed is Complaint for Declaratory and Injunctive Relief in this action on
4 May 19, 2025; and Defendants' deadline to respond to the complaint is June 10, 2025;

5 Whereas Plaintiff filed a motion seeking a Temporary Restraining Order and a Preliminary
6 Injunction against Defendants on May 28, 2025, and whereas the Court held a hearing on Plaintiff's
7 motion for a Temporary Restraining Order on June 3, 2025, denied Plaintiff's motion, and set a
8 briefing schedule for the Preliminary Injunction;

9 Whereas on June 16, 2025, Plaintiff filed a First Amended Complaint;

10 Whereas on June 17, 2025, Plaintiff's filed its Brief in Support of its Preliminary Injunction
11 pursuant to the Court's Order;

12 Whereas the Court is scheduled to hear Plaintiff's motion for a Preliminary Injunction on at
13 2:00pm on Friday, July 25, 2025;

14 Whereas Plaintiff and Defendants are engaged in discussions related to Plaintiff's First
15 Amended Complaint and Plaintiff's request for a Preliminary Injunction.

16 In the interest of professional courtesy and the preservation of judicial resources, and since
17 the Defendants' deadline to respond to the First Amended Complaint is June 10, 2025, the parties
18 hereby stipulate as follows:

19 1. Defendants are hereby granted a six-week extension to respond to Plaintiff's Complaint
20 in this action. The current response deadline is Monday, June 30, 2025 and its Opposition to
21 Plaintiff's Preliminary Injunction is due on Tuesday, July 1, 2025. Defendants' new deadlines will
22 be:

23 Response to First Amended Complaint: August 11, 2025

24 Opposition to Preliminary Injunction: August 12, 2025

25 2. In addition to the foregoing, Plaintiff and Defendant jointly request the Court reschedule
26 the current hearing date at the Court's first availability date consistent with the revised briefing
27 schedule.

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1 3. Per Local Rule 144, this stipulation shall be self-executing, as between the parties upon
2 the signature of counsel for each party and pending the approval of the Court.

3 IT IS SO STIPULATED:

4 Agreed and Executed on the 26th day of June, 2025.

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6 MCCORMICK, BARSTOW, SHEPPARD, ALESHIRE & WYNDER, LLP
7 WAYNE & CARRUTH LLP Attorneys for Defendants, City of Fresno
8 Attorneys for Plaintiff, CALIFORNIA
9 SMOKE SHOPS ASSOCIATION, a
California nonprofit mutual benefit
corporation

10
11 By: /s/
12 TODD A. WYNKOOP

By: 
JONATHAN BELAGA

13 **ORDER**

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15 To the extent that the extension of the deadlines requires the approval of the Court, by the
16 stipulation of the parties, the extension is **GRANTED**. The new hearing date for the motion for
17 preliminary injunction is set for _____.

18 It is so ordered.

19
20 _____
21 Hon. Kirk E. Sherriff
22 United States District Judge
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